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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/586,100	06/02/2000	John C. Pederson	N47.2-9125	6497

490 7590 09/17/2002

VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

LEE, BENJAMIN C

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 09/17/2002

16

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/586,100

Applicant(s)

PEDERSON, JOHN C.

Examiner

Benjamin C. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4-5,8-9. 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-41 of U.S. **Patent No. 6,380,865**. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

--The patented claims together made obvious all of the currently claimed features, and one skilled in the art at the time of the claimed invention is motivated to combine the patented claims in various ways since the patented features are either related as a single invention or variations usable together or as alternatives/supplements.

3. Claims 1-21 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-50 of U.S. **Patent No. 6,424,269**. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

--The patented claims together made obvious all of the currently claimed features, and one skilled in the art at the time of the claimed invention is motivated to combine the patented

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claims in various ways since the patented features are either related as a single invention or variations usable together or as alternatives/supplements.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-11 and 13-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang (US pat. #6,067,010) in view of Walton (US pat. #5,966,073).

1) In considering claim 1:

Wang disclosed a vehicle warning lamp system having the claimed combination multiple warning signal light and motorized vehicle (Figs. 1 & 5-9 and Abstract), comprising: a plurality of strip light sources (41-43) engaged to a surface of the vehicle (Figs. 5-9 and Abstract), each strip light source having a visible exterior surface (Figs. 5-9); a plurality of light emitters (Figs. 1 & 5-9) arranged about and attached to the visible exterior surface of each strip light source; and a controller (30) in electric communication with the light emitters, and constructed and arranged to selectively activate the light emitters thereby producing more than two different types of visually distinct warning light signals (Figs. 5-9), said light emitters receiving power from a power source (10-13);

Walton teaches the mounting of vehicle warning light signals on the exterior of the vehicle (Figs. 5, 7 & 12), and further that the light emitters can be light emitting diodes (LEDs) instead of bulbs (col. 3, lines 9-12).

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In view of the teachings by Wang and Walton, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a warning system such as taught by Wang can be placed on the exterior of the vehicle such as taught by Walton as a user preference so that there are more choices of specific placements on the more expansive vehicle exterior surfaces, and furthermore that LEDs such as taught by Walton can be specifically used to implement the warning signal light emitters in a system such as taught by Wang to provide an improved warning light signal having brighter outputs with longer operating life and lower power consumption.

2) In considering claim 2, Wang and Walton made obvious all of the claimed subject matter as in claim 1, including:

--the claimed controller is constructed and arranged to provide variable power intensity to the light emitting diodes (col. 5, lines 49-51).

When using the warning light system as a braking light as an intended use application of the system such as taught by Wang and Walton, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a variable power intensity such as taught by Walton can be used to indicate the braking force intensity so as to provide more useful degree of braking information to vehicles nearby so that drivers of those vehicles can react accordingly.

3) In considering claim 3, Wang and Walton made obvious all of the claimed subject matter as in claim 2, including:

--the claimed each said strip light emitting diode light sources comprising a back side having an affixation member (inherent from the strip LED light sources of Wang and Walton when used for attachment to the vehicle exterior).

4) In considering claim 4, Wang and Walton made obvious all of the claimed subject matter as in claim 3, including:

--the claimed said controller independently controls the LEDs on different strip LED light sources (Figs. 5-9 and corresponding disclosure of Wang).

5) In considering claim 5, Wang and Walton made obvious all of the claimed subject matter as in claim 4, including:

--the claimed said controller having a microprocessor (30 in Fig. 3 of Wang).

6) In considering claim 6, Wang and Walton made obvious all of the claimed subject matter as in claim 5, including:

--the claimed said plurality of LEDs comprise LEDs of at least two different colors (yellow and red of the disclosure corresponding to Figs. 5-9 of Wang, and col. 3, line 12 of Walton).

7) In considering claim 7, Wang and Walton made obvious all of the claimed subject matter as in claim 6, including:

--the claimed said controller selectively activating the LEDs to create at least one of a single colored warning light signal (Figs. 5, 6 & 9 of Wang) and at least one of a multi-colored warning light signal (Figs. 7-8 of Wang).

8) In considering claim 8, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed said strip LED light sources being constructed and arranged to be formed into a plurality of shapes (Figs. 5-9 of Wang).

9) In considering claim 9, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed said warning light signals are selected from the group consisting of: a revolving light (Fig. 5 of Wang), and a pulsating/oscillating/flashing/modulated/alternating light (blinking/pulsating light of Figs. 6-9 of Wang).

10) In considering claim 10, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed said plurality of LEDs are in the form of an array (Figs. 5-9 of Wang).

11) In considering claim 11, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed said plurality of LEDs are selectively illuminated to create the appearance of rotation (Fig. 5 of Wang).

12) In considering claim 13, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed said controller selectively activating and simultaneously displaying LEDs to create a plurality of visually distinctive warning light signals (Figs. 5-9 of Wang, wherein the light signals differing in time due to the selective activation and simultaneous display of the LEDs constitute the claimed feature).

13) In considering claim 14, Wang and Walton made obvious all of the claimed subject matter as in claim 9, including:

--the claimed warning light signal is a directional indicator (Figs. 7-8 of Wang).

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14) In considering claim 15, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed programmable external controller for programming said controller (inherent of emitter 21 of Wang since it provides the commands, or programs, the controller into providing a particular warning light signal).

15) In considering claims 16-17, Wang and Walton made obvious all of the claimed subject matter as in claim 7, except:

--specifying the claimed said motorized vehicle is a utility or emergency vehicle.

However, since Wang disclosed that the warning light system includes functions such as turning, braking, position indicating, and special condition indicating which are used on vehicles in general (col. 1, lines 5-9), it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that such a warning light system can be used on any of various types of vehicles including utility and emergency vehicles.

16) In considering claim 18, Wang and Walton made obvious all of the claimed subject matter as in claim 7, including:

--the claimed cover enclosing said LEDs (col. 6, lines 30-35 of Walton, disclosing that a lens having multiple colors is not needed if the LEDs are already colored, indicating that a clear lens is used with the colored LEDs).

It would have been obvious to one of ordinary skill in the art at the time of the claimed invention that a lens/cover such as taught Walton advantageously provides a protective barrier between the LEDs and people as well as the elements in a system such as taught by Wang and Walton and as such provided an incentive/motivation to use such a lens.

17) In considering claims 19-20, Wang and Walton made obvious all of the claimed subject matter as in claim 1, whereby:

--Wang teaches using a single controller to selectively and independently active 3 different lighting portions/segments to provide a plurality of warning light signals including a light bar, left/right turning, braking, and special condition to accommodate various warning light signals conventionally used on vehicles, while Walton teaches a system which places warning light sources in a plurality of locations on the vehicle exterior to accommodate various warning light signals conventionally used on vehicles including braking, running, and turning lights (Abstract). Since more than two different types of visually distinct warning light signals are conveyed simultaneously and independently in a conventional vehicle warning light system such as during braking and turning and running, it would have been obvious to one of ordinary skill in the art at the time of the claimed invention to program the controller in a system such as taught by Wang and Walton that is intended for providing the functions of warning signals conventionally used but in a particular manner, such that more than two warning light signals can be provided simultaneously and independently.

18) In considering claim 21, Wang and Walton made obvious all of the claimed subject matter as in claim 1, plus the consideration of claims 19-20, wherein simultaneous and independent production of more than two different types of visually distinct warning light signals are produced in combination.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Walton and Ishikawa et al. (US pat. #5,594,415).

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1) In considering claim 12, Wang and Walton made obvious all of the claimed subject matter as in claim 7, except:

--the claimed said plurality of LEDs are selectively illuminated to create the appearance of multi-colored rotation.

The combination of Wang and Walton teaches that the plurality of LEDs are selectively illuminated to create the appearance of colored rotation (Fig. 5 of Wang), but not the claimed multi-colored rotation, and further uses blinking red to indicate braking/deceleration. However, it has been known to use multi-colored rotation as deceleration/acceleration (negative deceleration) signal lights, such as taught by Ishikawa et al. (Figs. 24a-24d, 25a-25d, 12a-12d whereby the rotation appearance is either green, yellow, or red, depending on acceleration/deceleration degree dictated by accelerator and brake pedal travel).

In view of the teachings by Wang, Walton and Ishikawa et al., it would have been obvious to one of ordinary skill in the art at the time of the claimed invention that for implementing a deceleration warning signal light feature such as taught by Wang and Walton, a multi-colored rotation appearance such as taught by Ishikawa et al. can be included as a design preference for its attention-getting effect and thus providing an effective warning signal.

Remarks Regarding Information Disclosure

7. According to the application file record, Applicant had filed IDS papers #4 (7/20/00), #5 (9/12/00), #6 (9/28/00), #7 (5/2/01), #8 (2/20/02) and #9 (3/12/02). However, Examiner could only find IDS papers #4-5 & 8-9. IDS papers #6-7 appeared to have been lost during handling of the filed papers throughout the pre-examination process. If that is the case, the Patent Office apologizes for any inconvenience this may cause Applicant, and ask Applicant to kindly

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resubmit a copy of the missing IDS (no reference copy of US patents necessary) if Applicant still wishes for Examiner's consideration of them. Thank you for your understanding.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1) Leslie, US pat. #6,067,011

--A similar colored multi-strip LED vehicular warning system with remote program and intensity control (Figs. 1, 2, 5 and col. 4, lines 1-30).

2) Tonkin, US pat. #5,838,259

--A similar vehicular display with variable intensity control (col. 5, lines 34-41 & col. 6, lines 29-35).

3) Knauff et al., US pat. #5,736,925

--A similar vehicle exterior mounted warning light system.

4) Reiser, US pat. #4,928,084

--A similar combined message display and brake light.

5) Lamparter, US pat. #5,604,480

--A similar flashing caution/stop bus light assembly.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin C. Lee whose telephone number is (703) 305-0412.

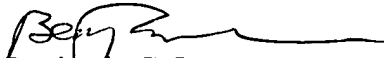
The examiner can normally be reached on Mon -Fri 11:00Am-7:30Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on (703) 305-4717. The fax phone numbers for

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the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-8576.


Benjamin C. Lee
Primary Examiner
Art Unit 2632

B.L.
September 13, 2002